

RÉSUMÉ IN ENGLISH

The topic of this master thesis is the principle of promptness in the criminal proceedings because this question is nowadays the subject-matter of numerous discussions, in which it is spoken about overloaded Czech justice system, about delays in court proceedings and about options, how to relieve the system of Czech criminal justice system.

The aim of the submitted thesis is to evaluate critically the current legal institutes helping to make the criminal proceedings faster, mainly the investigation of crimes, and to contemplate its potential extension, without having caused any more significant limitation of the right of the accused to defence. Among other principles, which stay often contrary to the principle of promptness and which the legislators always must bear in mind, are the principle of material truth and the principle of contradiction.

The thesis is divided into seven basic chapters. The first chapter is the introduction. The second chapter deals with the meaning of promptness of criminal proceedings for each particular subject of the criminal proceedings, mainly for the accused and the injured party.

Third chapter presents the statistic data on the average length of proceedings in the Czech Republic and within the European Union: the average length of criminal proceedings leaded against the natural persons by the district courts until comes into force of decision is around 225 days, of which ca 25 % counts for the investigating and prosecuting stage and the outstanding 75 % for the proceedings in court. The Czech Republic is being placed regularly in the first quarter within the European Union with respect to the promptness of criminal proceedings.

The fourth chapter is concerning with the principle of promptness in the legal sources by dealing with the code of criminal procedure, case law of the Constitutional Court of Czech Republic and case law of the European Court of Human Rights, in particular with the criteria for determination whether a more significant delay in the proceedings occurred and whether the applicant's right to have the case heard without significant delays was breached.

The content of fifth chapter is the summary investigation. It was embodied into the Czech legal order, in order to relieve the investigatory bodies and courts in solving the less serious crimes. The author reaches a conclusion that this type of proceedings is being used by the investigatory bodies more than it should be, and thus it is also used in cases, which are

more complicated with respect to evidence and which would deserve the hearing in the standard investigatory proceedings by wider range of the rights of the accused.

The sixth chapter analyzes the interrogation of witness in the criminal proceedings, it focuses in particular on the difference between the particular forms capturing the witness testimony and their procedural applicability in the court and on difficulties linked with the repeating witness testimonies.

The thesis is ended by the chapter dedicated to the legal institute of penal order, which is used for solving cases which are not so difficult with respect to factual site and evidence, where the case is tried without having public hearings and the penal order does not contain the reasoning, which brings tremendous save of time. However, the penal order has its disadvantages also, mainly the scale of sanctions to be imposed by penal order, which is not so wide, further the restriction of the principle of the oral hearing and immediacy, as well as the failure to possibility of the injured person to challenge such decision.